

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

This document relates to:  
*Track One Cases*

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF STEVEN A. REED**

Pursuant to 28 U.S.C. § 1746, I, Steven A. Reed, hereby declare as follows:

1. I am a partner in the Philadelphia, Pennsylvania office of Morgan, Lewis & Bockius LLP, counsel for Defendants Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. *f/k/a* Watson Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. *f/k/a* Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., *f/k/a* Watson Laboratories, Inc.-Florida (collectively, “Actavis Generic Defendants”), Cephalon, Inc. (“Cephalon”) and Teva Pharmaceuticals USA, Inc. (“Teva USA”) (collectively, “Teva Defendants”) and specially-appearing Defendant Teva Pharmaceutical Industries Ltd.

2. I submit this declaration on behalf of the Teva and Actavis Generic Defendants, in support of the Teva and Actavis Generic Defendants’ Motion for Summary Judgment for the purpose of transmitting to the Court true and correct copies of the documents attached hereto.

3. Attached as Exhibit 1 is a true and correct copy of the Food and Drug Administration's ("FDA") article titled "Generic Drugs Undergo Rigorous FDA Scrutiny," available at <https://www.fda.gov/consumers/consumer-updates/generic-drugs-undergo-rigorous-fda-scrutiny>.

4. Attached as Exhibit 2 is a true and correct copy of the Federal Trade Commission's ("FTC") August 2011 Report by Karen A. Goldman et. al, titled "Authorized Generic Drugs: Short-Term Effects and Long-Term Impact" available at <https://www.ftc.gov/sites/default/files/documents/reports/authorized-generic-drugs-short-term-effects-and-long-term-impact-report-federal-trade-commission/authorized-generic-drugs-short-term-effects-and-long-term-impact-report-federal-trade-commission.pdf>

5. Attached as Exhibit 3 is a true and correct copy of excerpts from the June 20, 2019, deposition of Doron Herman.

6. Attached as Exhibit 4 is a true and correct copy of excerpts from the December 18, 2019, deposition of Michael Perfetto.

7. Attached as Exhibit 5 is a true and correct copy of Cephalon's SEC Form 10-K for the fiscal year ending December 31, 2000, available at <https://www.sec.gov/Archives/edgar/data/873364/000103605001000561/0001036050-01-000561-0001.txt>

8. Attached as Exhibit 6 is a true and correct copy of the Actiq Risk Management Program's 31<sup>st</sup> Quarterly Report, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00283237-64.

9. Attached as Exhibit 7 is a true and correct copy of the Fentora label, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_11128350.

10. Attached as Exhibit 8 is a true and correct of excerpts from the November 16, 2018, deposition of John Hassler.

11. Attached as Exhibit 9 is a true and correct copy of excerpts from the May 10, 2019, expert report of Sean Nicholson.

12. Attached as Exhibit 10 is a true and correct copy of the Food and Drug Administration's ("FDA") Transmucosal Immediate Release Fentanyl ("TIRF") Risk Evaluation and Mitigation Strategy (REMS) program, available at [https://www.accessdata.fda.gov/drugsatfda\\_docs/remis/TIRF\\_2017-09-07\\_Full.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/remis/TIRF_2017-09-07_Full.pdf)

13. Attached as Exhibit 11 is a true and correct copy of excerpts from the May 10, 2019, expert report of Edward Michna.

14. Attached as Exhibit 12 is a true and correct copy of excerpts from the April 23, 2019, deposition of Mark Schumacher.

15. Attached as Exhibit 13 is a true and correct copy of excerpts from the April 24, 2019, deposition of Anna Lembke.

16. Attached as Exhibit 14 is a true and correct copy of excerpts from the March 25, 2019, expert report of Matthew Perri.

17. Attached as Exhibit 15 is a true and correct copy of excerpts from the May 10, 2019, expert report of David Kessler.

18. Attached as Exhibit 16 is a true and correct copy of excerpts from the March 25, 2019, expert report of David Egilman.

19. Attached as Exhibit 17 is a true and correct copy of excerpts from the April 24, 2019, deposition of David Egilman.

20. Attached as Exhibit 18 is a true and correct copy of excerpts from the May 10, 2019, expert report of Howard Dorfman.

21. Attached as Exhibit 19 is a true and correct copy of excerpts from the January 4, 2019, deposition of Matthew Day.

22. Attached as Exhibit 20 is a true and correct copy of the Corporate Integrity Agreement Between the Office of the Inspector General of the Department of Health and Human Services and Cephalon, Inc., which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_06380925.

23. Attached as Exhibit 21 is a true and correct copy of December 20, 2011 correspondence between the Office of the Inspector General and Karen Lowney, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_11891302.

24. Attached as Exhibit 22 is a true and correct copy of April 3, 2013 correspondence between the Office of the Inspector General and Patricia Glover, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00782034.

25. Attached as Exhibit 23 is a true and correct copy of the Teva USA's Independent Medical Education Grants US Policy - 205, effective as of August 2012, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00560932.

26. Attached as Exhibit 24 is a true and correct copy Cephalon's Independent Medical Education Grants Policy WMRO-110, effective as of January 2009, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00785735.

27. Attached as Exhibit 25 is a true and correct of Cephalon's Policy on Company Giving C-126, effective as of July 2008, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00785338.

28. Attached as Exhibit 26 is a true and correct copy of Cephalon's Policy on Third-Party Grant Requests, effective as of January 2008, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_00553027.

29. Attached as Exhibit 27 is a true and correct copy of Cephalon's Marketing Policy on Grants, effective as of June 2007, which was produced in the above-captioned case and assigned Bates numbers TEVA\_MDL\_A\_00552919.

30. Attached as Exhibit 28 is a true and correct copy of Cephalon's Independent Educational Program Grant Agreement with the American Academy of Pain Medicine dated November 28, 2006.

31. Attached as Exhibit 29 is a true and correct copy of Cephalon's Independent Educational Program Grant Agreement with MediCom Worldwide, Inc. dated November 6, 2008.

32. Attached as Exhibit 30 is a true and correct copy of excerpts from the February 28, 2019, deposition of Kyle Wright.

33. Attached as Exhibit 31 is a true and correct copy of excerpts from the January 24, 2019, deposition of Russell Portenoy.

34. Attached as Exhibit 32 is a true and correct copy of excerpts from the February 18, 2019, deposition of Lynn Webster.

35. Attached as Exhibit 33 is a true and correct copy of excerpts from the February 26, 2019, deposition of Scott Fishman.

36. Attached as Exhibit 34 is a true and correct copy of excerpts from the April 3, 2019, deposition of Stacy Harper-Avilla.

37. Attached as Exhibit 35 is a true and correct copy of excerpts from the April 17, 2019, deposition of Thomas Prevoznik.

38. Attached as Exhibit 36 is a true and correct copy of excerpts from the May 14, 2019, deposition of James Rafalski.

39. Attached as Exhibit 37 is a true and correct copy of excerpts from the May 31, 2019, expert report of Larry Holifield.

40. Attached as Exhibit 38 is a true and correct copy of excerpts from the May 31, 2019, expert report of Karl Colder.

41. Attached as Exhibit 39 is a true and correct copy of excerpts from the December 14, 2019, deposition of Colleen McGinn.

42. Attached as Exhibit 40 is a true and correct copy of a document titled Suspicious Order Report, which was produced in the above-captioned case and assigned Bates number ALLERGAN\_MDL\_02128514.

43. Attached as Exhibit 41 is a true and correct copy of excerpts from the January 9, 2019, deposition of Mary Woods.

44. Attached as Exhibit 42 is a true and correct copy of excerpts from the February 1, 2019, deposition of Stacey Beckhardt.

45. Attached as Exhibit 43 is a true and correct copy of the Unrestricted Educational Grant Agreement between Cephalon and the Federation of State Medical Boards, dated August 28, 2007, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_01088845.

46. Attached as Exhibit 44 is a true and correct copy of excerpts from the May 10, 2019, expert report of Pradeep Chintagunta.

47. Attached as Exhibit 45 is a true and correct copy of excerpts from March 25, 2019, expert report of Melanie Rosenblatt.

48. Attached as Exhibit 46 is a true and correct copy of the TIRF REMS Access Program Patient-Prescriber Agreement Form, available at <https://www.tirfremssaccess.com/TirfUI/remss/pdf/ppaf-form.pdf>.

49. Attached as Exhibit 47 is a true and correct copy of excerpts from the May 10, 2019, expert report of Jonathan Ketcham.

50. Attached as Exhibit 48 is a true and correct copy of the Actiq label, which was produced in the above-captioned case and assigned Bates number TEVA\_MDL\_A\_11087244.

51. Attached as Exhibit 49 a true and correct copy of Summit County and City of Akron, Ohio Plaintiffs' Supplemental Responses and Objection to Manufacturer Defendants' Interrogatory Number 1, 2, 3, 5, 8, 9, 11, 12, 13, 15, 20, 21, 26, 27, 28 & 29.

52. Attached as Exhibit 50 is a true and correct copy of excerpts from the June 13, 2019, deposition of Lacey Keller.

53. Attached as Exhibit 51 is a true and correct copy of excerpts from March 15, 2019, deposition of Demetra Ashley.

54. Attached as Exhibit 52 is a true and correct copy of excerpts from the April 25, 2019, expert report of Lacey Keller.

55. Attached as Exhibit 53 is a true and correct copy of excerpts from the April 26, 2019, deposition of Joseph Rannazzisi.

56. Attached as Exhibit 54 the Declaration of Patricia Glover.

57. Attached as Exhibit 55 is the Declaration of Christine Baeder.

58. Attached as Exhibit 56 is the Declaration of Hillel West.

59. Attached as Exhibit 57 is the Declaration of David Myers.

60. Attached as Exhibit 58 is the FDA's Fentora Approval Letter, dated September 25, 2006, available at [https://www.accessdata.fda.gov/drugsatfda\\_docs/nda/2006/021947s000\\_APPROV.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/nda/2006/021947s000_APPROV.pdf)

61. Attached as Exhibit 59 is a true and correct copy of the Guilty Plea Agreement entered into by the U.S. Government and Cephalon, filed in the United States District Court for the Eastern District of Pennsylvania, available at <https://www.justice.gov/civil/file/892071/download>

62. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 28th day of June 2019.

/s/ Steven A. Reed

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